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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,773	09/05/2000	Dietmar Przytulla	PRZYTULLA-12	8015

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EXAMINER

LEYSON, JOSEPH S

ART UNIT	PAPER NUMBER
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1722

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DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/623,773

Applicant(s)

PRZYTULLA ET AL.

Examiner

Joseph Leyson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-20 and 22-30 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- ☐ Interview Summary (PTO-413) Paper No(s) _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 26. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application.

The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because the disclosure does not mention figs. 2a, 3a, 4a, 5a, 6a, 7a, 7b, 8a, 9a, 9b, 9c, 9d, 9e, 9f, 11a, 11b, 16a, 17a, 18a, 19a, 19b, 19c and 20a. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13, 14, 16-18, 20, 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Przytulla et al.(-839).

Przytulla et al.(-839) teach an extrusion head, that corresponds to the instant extrusion head, for producing a

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tubular parison for the manufacture of blow-molded plastic hollow bodies, including an adjustable ring-shaped tube outlet nozzle including at least three separate, exchangeable adjustment elements 2, 3, 9 of different profile for defining a nozzle gap to vary a wall thickness of an existing tube 8, wherein the adjustment elements are movable to act independently or commonly on the tube, and at least two adjustments drives (col. 3, lines 39-41 and 61-67; figs. 1 and 3) for cooperation with at least a first one 3 and a second one 9 of the adjustment elements, whereby the adjustment drives and the adjustment elements are placed into one-to-one correspondence. Przytulla et al.(-839) discloses that the adjustment elements can include a plurality of nested shells one behind the other, each capable of having the same or different profiles, being axially adjustable relative to each other, being disposed below another one, and acting last on the tube to influence its wall thickness (col. 4, lines 24-35; claims 7 and 8). The construction of the nested shells (col. 4, lines 24-35) is capable of easy attachment and exchange. Adjustment element 9 is a mandrel having a lowermost outer edge 10, the mandrel being supported by a holder (figs. 1 and 3). Adjustment element 2 defines an upper adjustment element, and adjustment element 3 defines a lower adjustment element, wherein the lower adjustment element 3

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having a lowermost inner edge 7 which is intended for engagement with the exiting tube and is disposed in level with or slightly above the lowermost outer edge 10 of the mandrel 9 (fig. 3).

5. Claims 13 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Seizert et al.(-267).

Seizert et al.(-267) teach an extrusion head, that corresponds to the instant extrusion head, for producing a tubular parison for the manufacture of blow-molded plastic hollow bodies, including an adjustable ring-shaped tube outlet nozzle including at least three separate, exchangeable adjustment elements 11, 16 of different profile for defining a nozzle gap to vary a wall thickness of an existing tube, wherein the adjustment elements are movable to act independently or commonly on the tube, and at least two adjustments drives (col. 8, lines 50-55) for cooperation with at least a first one 16 and a second one 11 of the adjustment elements, whereby the adjustment drives and the adjustment elements are placed into one-to-one correspondence. One of the adjustment elements is a central mandrel 11, and the others can be a plurality of radial slides 16, two of which can be oppositely disposed and moved separately or simultaneously to vary wall thickness (see figures).

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 15, 23 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Przytulla et al.(-839).

Przytulla et al.(-839) disclose the apparatus substantially as claimed as mentioned above, except for the particular profiles or the dimensions of the profile. Przytulla et al.(-839)

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disclose that the profiles make localized changes in the die gap at prescribed points which allows specific reinforcement configurations for the extrudate material at particular points in the extruded tube (col. 4, lines 29-35) as needed to compensate for stretch requirements during blow molding (col. 1, line 17, to col. 2, line 2). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the apparatus of Przytulla et al.(-839) with the particular profiles and/or the profile dimensions, as recited by the respective instant claims, because such modifications would have been found due to routine experimentation in finding operable or optimum profiles and profile dimensions in view of the teachings of Przytulla et al.(-839) to make localized changes in the die gap at prescribed points which allows specific reinforcement configurations for the extrudate material at particular points in the extruded tube as needed to compensate for stretch requirements during blow molding. It is not inventive to discover the optimum or workable ranges by routine experimentation, In re Aller, 105 USPQ 233.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seizert et al.(-267).

Seizert et al.(-267) disclose the apparatus substantially as claimed as mentioned above, except for the slides 16 being

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180° segments. Seizert et al.(-267) discloses that the slides are used to provide different wall thicknesses at specific radial positions (col. 2, line 38, to col. 3, line 12). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the apparatus of Seizert et al.(-267) such that the slides are 180° segments because such a modification would have been found due to routine experimentation in finding operable or optimum dimensions for the slides in view of the teachings of Seizert et al.(-267) in finding the specific radial positions desired for providing different wall thicknesses.

10. Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or suggest an extrusion head as disclosed by claim 21, particularly including one of the three adjustment elements being the mandrel which has the lower outer edge, wherein the other two of the adjustment elements are disposed to define the upper adjustment element and the lower adjustment element, with the lower adjustment element having the lowermost inner edge

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which is intended for engagement with the exiting tube and is disposed in level with or slightly above the lowermost outer edge of the mandrel, the further moveable adjustment element located between the upper and lower adjustment elements, the further adjustment element being supported for rotation in the circumferential direction.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mayner(-690), Klein et al.(-195), Feuerherm(-857), Feuerherm(-766), Wurzer(-718), Feuerherm(-557), Feuerherm et al.(-169) and Feuerherm et al.(-828) are cited as of interest.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Leyson whose telephone number is (703) 308-2647. The examiner can normally be reached on M-F(8:30-6:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

h

jl

June 25, 2003

James P. Mackey
JAMES P. MACKEY
PRIMARY EXAMINER

6/26/03